

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 4, 1997**

## DIVISION ONE

B092417 Sterbco-Klein  
v.  
Kaltman et al.

Motion to reconsider denied by operational law.

B110370      Huffman                      (Not for Publication)  
v.  
County of Los Angeles

The judgment of dismissal is affirmed. Defendant is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B114654      Monique W.      (Not for Publication)  
v.  
Superior Court of Los Angeles  
Dept. of Children & Family Services

The Court:

The petition is denied.

Spencer, P.J.   Ortega, J.   Masterson, J.

DIVISION ONE (Continued)

B105063 Williams (Not for Publication)

v.

United Interstate Financial Services, Inc. et al.

The June 25, 1996, order re dismissal of action and expungement of lis pendens is reversed. The trial court is directed to reinstate the action and the lis pendens. Williams is entitled to her costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B101014 People (Not for Publication)

v.

Naranjo

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.  
Dunn, J. (Assigned)

B105870 People (Not for Publication)

v.

Davidson

We affirm the judgment and remand for the trial court to prepare a new abstract of judgment imposing a concurrent three-year term on count 3, instead of a consecutive eight-month term. The trial court shall transmit a copy of the corrected abstract to the Department of Corrections.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

DIVISION TWO

[illegible]

The abstract of judgment is ordered to be modified to reflect a three-year reduction for the great bodily injury enhancement and a resulting total sentence of nineteen years. In all other respects, the judgment is affirmed.

Fukuto, J.

We concur:   Boren, P.J.  
                      Nott, J.

B109245 People (Not for Publication)  
v.  
Avila

The Court:

The judgment is affirmed and the superior court is directed to amend the abstract of judgment to reflect a restitution fine of \$2,500.

Boren, P.J., Fukuto, J., Nott, J.

B107090 People (Not for Publication)  
v.  
Tolbert II

### The Court:

The judgment is modified by striking the reference to the term under Penal Code section 12022, subdivision (a), as to count 2, and, as modified, is affirmed. The superior court is directed to prepare and file an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Zebrowski, J.

## November 4, 1997-Continued

## DIVISION TWO (Continued)

B099550      Keavey      (Not for Publication)

V.  
City of Glendale

The judgment is reversed.

Fukuto, J.

We concur: Boren, P.J.  
Ito, J. (Assigned)

B106298 People (Not for Publication)

v.  
Arellano

The Court:

The appeal is dismissed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B107542 People (Not for Publication)

v.  
Correa

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.  
Aranda, J. (Assigned)

November 4, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

B096395      People      (Not for Publication)  
v.  
Martinez & Vizcarra

The judgments are affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

B111727 People (Not for Publication)  
v.  
Rivas

The Court:

The judgment is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.



DIVISION FOUR (Continued)

B105556      Zimmerman                      (Not for Publication)

v.  
R. F. Scientific, Inc.

The order of dismissal is reversed with directions to allow an amendment to this complaint. Each party is to bear its own costs on appeal.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

B108006      Moss                                      (Not for Publication)

v.  
Garrity

The judgment of dismissal is affirmed and the request for sanctions is denied. Costs are awarded to respondents.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                     Epstein, J.

B109987      County of Los Angeles, Department of the District Attorney

v.  
Civil Service Commission of the County of Los Angeles  
Jordan

The order is affirmed.

Baron, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

DIVISION FOUR (Continued)

B105347     Armorcast Products Company                     (Not for Publication)

v.  
Hagen

The appeal is dismissed. Respondent's motion for sanctions is denied.

Baron, J.

We concur:   Vogel (C.S.), P.J.  
                  Epstein, J.

B106014     Delrose Shoe Company                     (Not for Publication)

v.  
Pomona Redevelopment Agency

The judgment is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                  Baron, J.

B108826     Rogers                                     (Not for Publication)

v.  
Rogers  
Jacobs

The order requiring appellant Mitchell Jacobs to pay monetary sanctions is reversed. Each party is to bear their own costs on appeal.

Baron, J.

We concur:   Vogel (C.S.), P.J.  
                  Epstein, J.



DIVISION FOUR (Continued)

B109610     Baxter Healthcare Corp.  
              v.  
              International Insurance Co.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B110461 People v. Terry Bullock  
B107697 People v. Agustin Rodriguez  
B105160 People v. Judith Walraven  
B107944 People v. Gabriel Enriquez  
B108301 People v. James Richardson  
B103413 Violet Raybara v. John Illarmo

Argument waived, cause submitted.

B104301     The People  
              v.  
              Bert Silos, Jr.

Merits:

Argued by Jill M. Bojarski for appellant and by Jeffrey B. Kahan, deputy attorney general for respondent. Cause submitted.

DIVISION FIVE (Continued)

B104818     People  
              v.  
              Thomas Bright

Merits:  
Argued by Neil C. Newson for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent. Cause submitted.

B099083     David Drury  
              v.  
              City of South Gate, et al.

Merits:  
Argued by Donna Silver for appellant and by Elizabeth J. Burnett for respondents. Cause submitted.

B106912     People  
              v.  
              John Nickolas Griego

Merits:  
Argued by Dawn L. Reichman for appellant and by David L. Polsky, deputy attorney general for respondent. Cause submitted.

The Court recessed at 9: 45 a.m.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Jed H. Belcher, Deputy Clerk.

Each of the following:

B110885 People v. Raul V.  
B109248 People v. Pedro Gomez

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B107759     People  
              v.  
              Tony White Hall

Merits:  
Argued by Chris R. Redburn for appellant and by Peggie Bradford, deputy attorney general, for respondent. Cause submitted.

B108412     People  
              v.  
              Junius Marco LeBlanc

Merits:  
Argued by Ronnie Duberstein for appellant and by Corey Robins, deputy attorney general, for respondent. Cause submitted.

B109113     Norman J. Essig  
              v.  
              Damon Runyon-Walter Winchell Foundation, et al.

Merits:  
Argued by Charles W. Wolfe for petitioner, objector and appellant and by George W. Young for petitioners, objectors, and respondents. Cause submitted.

B104498     Kevin Javaheri  
              v.  
              Janssen Pharmaceutica, Inc. et al.

Merits:  
Argued by Thomas Kallay for appellant and by Irene C. Keyse-Walker for respondent. Cause submitted.

DIVISION FIVE (Continued)

The Court recessed at 11: 40 a.m.

The Court reconvened at 11:45 a.m.

Present: Turner, P.J., Armstrong, J., Jackson, J. (Assigned), and Jed H. Belcher, Deputy Clerk.

Each of the following:

B108657 People v. Kamran Khan  
B109189 & B115132 People v. Mark Hodge  
B106016 People v. Levan Thompson

Argument waived, cause submitted.

B108852     People  
               v.  
               Steve Manuel

Merits:

Argued by Gerald M. Serlin for appellant and by Anh T. Nguyen, deputy attorney general for respondent. Cause submitted.

B107073     People  
               v.  
               Derrick Ester

Merits:

Argued by Marylou Hillberg for respondent and by Alene M. Games, deputy attorney general for respondent. Cause submitted.

DIVISION FIVE (Continued)

B108355     People  
              v.  
              Anthony Campos and Julian Serrano

Merits:  
Argued by Kyle Wesendorf for appellant Campos (counsel for appellant Serrano waived appearance) and by Brad D. Levenson, deputy attorney general, for respondent. Cause submitted.

B115414     Raffi Pandazos  
              v.  
              Los Angeles Superior Court  
              David Thompson

Merits:  
Richard R. Anderson for petitioner. No appearance for real party in interest. Petitioner waived argument. Cause submitted.

B115199     Constance K.  
              v.  
              Los Angeles Superior Court  
              Los Angeles Department of Children and Family Services

Merits:  
Randall Pacheco for petitioner and by Holly Bryan Powell for real party in interest. Cause submitted.

B107888     People  
              v.  
              Carlos D. Barrera

Merits:  
Argued by Richard L. Schwartzberg for appellant and by Andrew D. Amerson, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (Continued)

The Court recessed at 12: 40 a.m.

The Court reconvened at 1:30 P.M.

Present: Turner, P.J., Armstrong, J., Jackson, J. (Assigned), and Jed H. Belcher, Deputy Clerk.

Each of the following:

B109598 DCS v. Mary L.  
B108497 People v. Alvin Giddens  
B091707 People v. Randall Pipkin

Argument waived, cause submitted.

B099490 Paragon Podiatry Laboratories  
v.  
Fulwinder, Patton, Lee and Utecht et al.

Merits:  
Argued by James B. Kropf for appellant and by Martin K. Deniston for respondents. Cause submitted.

B105782 Terry Lac  
v.  
High Ten Partners, Inc. et al.

Merits:  
Argued by Robert L. Driskell for appellant and by Natalie Blake for respondent. Cause submitted.

B109570 Tokai Bank of California  
v.  
Steve Chamness

Merits:  
Argued by Jefferson W. Gross for appellant and by James P. Mulkeen for respondent. Cause submitted.

November 4, 1997-Continued

## DIVISION FIVE (Continued)

B101244 Bank of America National Trust & Savings  
v.  
David K. McElroy

Merits:

Argued by Barry Ross for appellant and by Barry A. Ross for respondent.  
Cause submitted.

B111456      Jacqueline P. Hartman  
v.  
Polly's Inc. et al.

### Merits:

Argued by Rebecca Weinstein for appellant and by Ellen D'Arcangelo for respondent. Cause submitted.

Court adjourned at 3:12 p.m.

## DIVISION SIX

B108759      Blake                                  (Certified for Publication)  
v.  
City of Port Hueneme

We affirm the summary judgment and we remand the matter to the superior court with directions to order that the amounts levied pursuant to the instant District be refunded with interest at the legal rate. We caution that the instant decision is limited to the specific facts of the case. Costs are awarded to respondents.

Stone, P.J.

We concur: Gilbert, J.  
Yegan, J.

DIVISION SEVEN

B104266    People  
              v.  
              Vargas

Filed order denying petition for rehearing.

B104079    People  
              v.  
              Santamaria

Filed order denying petition for rehearing.